

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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IVERSON JOSE HERRERA-GRILLET,

Petitioner,

v.

24-CV-6704-MAV  
ORDER

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT BATAVIA FIELD  
OFFICE,

Respondent.

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**INTRODUCTION**

*Pro se* Petitioner, Iverson Jose Herrera-Grillet, is a civil immigration detainee currently held at the Buffalo Federal Detention Facility. Petitioner claims that he is being detained in United States Immigration and Customs Enforcement custody pending removal proceedings in violation of the United States Constitution. Therefore, Petitioner seeks relief under 28 U.S.C. § 2241. ECF No. 1. Petitioner has paid the \$5.00 filing fee.

**ORDER**

IT IS HEREBY ORDERED that within **45 days** of the date of this Order, Respondent shall file and serve an **answer** responding to the allegations in the Petition; and it is further

ORDERED that within **45 days** of the date of this Order, Respondent shall file and serve, in addition to the answer, a **memorandum of law** addressing each of the

issues raised in the Petition and including citations to supporting authority and applicable sections of the Immigration and Nationality Act; and it is further

ORDERED that within **45 days** of the date of this Order, instead of an answer, Respondent may file a **motion to dismiss** the Petition, accompanied by appropriate exhibits demonstrating that an answer to the Petition is unnecessary; and it is further

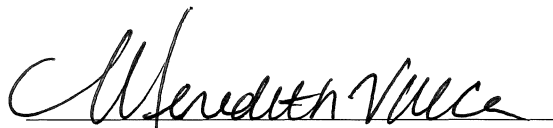
ORDERED that Petitioner shall have **25 days** after service of the answer or motion to dismiss to file a **written response**; and it is further

ORDERED that the Clerk of Court shall serve a copy of the Petition, together with a copy of this Order, electronically via a Notice of Electronic Filing to the United States Attorney's Office, Western District of New York at USANYW-Immigration-Habeas@usdoj.gov.

**PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR RESPONDENT.**

SO ORDERED.

Dated: December 10, 2024  
Rochester, New York

  
HON. MEREDITH A. VACCA  
UNITED STATES DISTRICT JUDGE